

**LEMON GROVE CITY COUNCIL
AGENDA ITEM SUMMARY**

Item No. 2
Mtg. Date June 5, 2018
Dept. Development Services Department

Item Title: **Public Hearing to Consider Planned Development Permit Modification PDP-170-01M1 and Tentative Map Revision TM0-000-0189 to Authorize the Construction of 18 Condominium Units at 3485 Olive Street with Shared Services**

Staff Contact: Michael Viglione, Assistant Planner

Recommendation:

- 1) Conduct the public hearing; and
- 2) Adopt a resolution (**Attachment B**) conditionally approving Tentative Map Revision TM-000-0189 and Planned Development Permit Modification PDP-170-01M1 which modifies City Council Resolutions 2017-3542 and 2017-3543.

Item Summary:

A request to revise an approved Tentative Subdivision Map TM0-000-0188 and Planned Development Permit PDP-170-0001 to authorize the construction of 18 condominium units at 3485 Olive Street (Celsius II) with shared usable open space, loading and fire prevention services with the existing adjacent 84 condominium units at 100 Citronica Lane (Celsius I) in the Transit Mixed Use 5 Zoning District of the Downtown Village Specific Plan (DVSP). PDP-170-0001 and Tentative Map TM-000-0188 provided consolidation of these parcels but this modification will keep the parcels separate. The attached staff report (**Attachment A**) describes the modification in detail. The project, as proposed and conditioned in the resolution (**Attachment B**), complies with the DVSP and Municipal Code except as modified for shared facilities, tandem and covered parking and setbacks.

Fiscal Impact:

No fiscal impact.

Environmental Review:

- | | |
|--|--|
| <input type="checkbox"/> Not subject to review | <input checked="" type="checkbox"/> Negative Declaration |
| <input type="checkbox"/> Categorically Exempt | <input type="checkbox"/> Mitigated Negative Declaration |

Public Information:

- | | | |
|---|---|--|
| <input type="checkbox"/> None | <input type="checkbox"/> Newsletter article | <input checked="" type="checkbox"/> Notice to property owners within 500 ft. |
| <input checked="" type="checkbox"/> Notice published in local newspaper | <input type="checkbox"/> Neighborhood meeting | |

Attachments:

- | | |
|--|---|
| A. Staff Report | B. Resolution (TM0-000-0189/PDP-170-01M1) |
| C. Resolution 2017-3542 (TM0-000-00182) D. Resolution 2017-3543 (PDP-170-0001) | |

E. Vicinity Map

F. Exhibit A – Project Plans

Attachment A

LEMON GROVE CITY COUNCIL STAFF REPORT

Item No. 2

Mtg. Date June 5, 2018

Item Title: Public Hearing to Consider Planned Development Permit Modification PDP-170-01M1 and Tentative Map Revision TM0-000-0189 to Authorize the Construction of 18 Condominium Units at 3485 Olive Street with Shared Services

Staff Contact: Michael Viglione, Assistant Planner

Application Summary:

APPLICANT/OWNER:	Celsius Lemon Grove 2 LLC, 3818 Park Blvd, San Diego, CA 92103
PROPERTY LOCATION:	The site is located at 3485 Olive Street north of Broadway (APN: 480-043-16-00).
PROJECT AREA:	.34 acres (14,647 square feet)
EXISTING ZONE:	Transit Mixed Use 5 (TMU 5) within the Downtown Village Specific Plan area
GENERAL PLAN LAND USE DESIGNATION:	Transit Mixed Use 5 (TMU 5) within the Downtown Village Specific Plan area
SURROUNDING PROPERTIES:	North: Multifamily residential South: General Commercial East: Multifamily residential West: Heavy Commercial
ENVIRONMENTAL IMPACT:	The Initial Environmental Study prepared for this project identified potential impacts with appropriate mitigations associated with: Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Noise, and Mandatory Findings of Significance. Staff prepared Mitigated Negative Declaration of Environmental Impact ND17-03 which was filed with the County Clerk and certified by City Council on October 17, 2017. The proposed project modifications are consistent with and substantially conform to the certified Mitigated Negative Declaration of Environmental Impact ND17-03.

Attachment A

Background:

On October 17, 2017 the City Council approved Tentative Map TM0-000-0188 and Planned Development Permit PDP-170-0001 which authorized the development of 18 condominium units on a vacant, 14,647 square foot (.34 gross acre) rectangular parcel at 3485 Olive Street in the Transit Mixed Use 5 Zoning District of the Downtown Village Specific Plan (DVSP) area. Tentative Map TM0-000-0188 and Planned Development Permit PDP-170-0001 also consolidated the 18 approved unconstructed condominium units (Celsius II) with the adjacent existing constructed 84 condominium units (Celsius I) at 100 Citronica Lane, resulting in a single common lot with 102 condominiums. Deviations from Zoning District standards were also granted with these entitlements, including: (1) an increase over the maximum permissible setback; (2) use of the existing loading area at Celsius I; (3) tandem parking spaces for two bedroom units; and (4) a reduction in covered parking requirements. The combination of the two projects allows the facilities to share common usable open space, fire protection systems and water meters. As such, residents at Celsius II would have access to the Celsius I rooftop terrace and fitness room (common usable open space). Access to these facilities would be through the Celsius I parking lot via a small foot bridge over the stormwater basins at the western boundary of the 100 Citronica property.

After approval of the Tentative Map and the Planned Development Permit, the City received applications for Final Map, Grading and Improvement Plans, a Building Permit, Landscape Plan, and a Zoning Clearance for review of Conditions, Covenants and Restrictions. These applications are in various states of progress but none are issued to date.

On January 17, 2018, CityMark requested modification of Planned Development Permit PDP-170-0001 and a revision of Tentative Map TM0-000-0188 to divide the two common lot parcels encompassing Celsius I and Celsius II keeping the two projects as separate legal lots. Per the modification and revision, Celsius II would tie into the existing water line and fire sprinkler system infrastructure of Celsius I and Celsius II would continue to share loading space and usable open space like the pool table lobby, barbeque rooftop patio and fitness room. These modifications do not include any changes to the 18 unit condominium building, site design or improvements. In order to ensure the two projects would maintain common access to fire prevention, loading and fire prevention services an easement agreement with Celsius I will be recorded as a condition of approval in the event that the Celsius I and Celsius II common lots come under separate ownership interests. Helix Water District is also requiring a Lot Tie Agreement to ensure the property owners of both properties remain the same.

Discussion:

The shared services means that the common recreational areas, van loading space, water service connection, and fire sprinkler connection with required backflow prevention device for these 18 condominium units will be on separate private property.

Given that separate private properties result from this application, the 18 Celsius II condominium units would need its own Conditions, Covenants and Restrictions (CC&Rs) document and Home Owners Association (HOA).

Separately Heartland Fire and Rescue (Fire) personnel also expressed concerns related to shared fire infrastructure. Staff is coordinating with Fire personnel and recommended conditions of approval will be provided at the City Council public hearing. Staff would also like to ensure that the benefits and modifications that were a part of the original Celsius II entitlements are secured in perpetuity for residents of the 18 Celsius II units.

Attachment A

An additional consequence of the Tentative Map revision is that an additional map modification is required. Tentative Map Resolution of Approval 2017-3542 anticipated consolidation of the two properties and thus a much larger common lot. The proposed separated Celsius II parcel does not meet the Transit Mixed Use (TMU) 5 minimum lot size standard of 15,000 square feet or the TMU minimum lot dimensions of 80 feet wide by 140 feet deep. After the required dedication of property to the Olive Street right-of-way, the net lot size of the 3485 Olive Street is 13,083 square feet and measures approximately 125 feet deep by 104 feet wide. These modifications are added into the Draft Resolution of Approval (**Attachment B**).

The applicant and staff agree that an easement granted by Celsius I to Celsius II is the most appropriate way to secure service access for shared services. The City Attorney's Office is supportive of the use of an easement for this purpose but would require that the document be written to their satisfaction and recorded prior to Final Map recordation. This condition is added into the Draft Resolution of Approval (**Attachment B**).

Upon establishment of use in reliance on any modification and revision application, a standard condition of approval would require the project to be served by all appropriate public services and utilities (e.g., sewer, water, gas, and electricity) at all times. Should the cessation of any critical services occur, immediate code enforcement action would commence until services are restored similar to any other development project.

Public Information:

The Notice of Public Hearing was published in the May 24, 2018 edition of the East County Californian and mailed to all property owners within 500 feet of the subject property.

The City of Lemon Grove received no comments in response to the Notice of Public Hearing at by the time of staff report preparation. Staff will provide any comments received to the City Council at the time of the public hearing.

Conclusion:

Staff recommends that the City Council conduct the public hearing and adopt the resolution (**Attachment B**) providing for approval of the Revised Tentative Map and Planned Development Permit Modification.

Attachment B

RESOLUTION NO. []

RESOLUTION OF THE LEMON GROVE CITY COUNCIL APPROVING A REVISED TENTATIVE (CONDOMINIUM) MAP TM0-000-0189 AND PLANNED DEVELOPMENT PERMIT MODIFICATION PDP-170-01M1 AUTHORIZING THE SUBDIVISION OF ONE (1) PARCEL INTO ONE (1) LOT OF 18 CONDOMINIUM UNITS AND A COMMON AREA LOT AT 3485 OLIVE STREET, LEMON GROVE, CALIFORNIA.

WHEREAS, on October 17, 2017, the City Council adopted Resolutions 2017-3542 and 2017-3543 approving Planned Development Permit PDP-170-0001 and Tentative Map TM0-000-0188 authorizing the construction of 18 condominium units at 3485 Olive Street (Celsius II) with shared usable open space, loading and fire prevention services with the adjacent existing 84 condominium units at 100 Citronica Lane (Celsius I) in the Transit Mixed Use 5 (TMU5) Zoning District of the Downtown Village Specific Plan (DVSP); and

WHEREAS, CityMark Development filed a complete application for a Planned Development Permit Modification and a Revised Tentative Map on April 17, 2018. The application is a request to modify Planned Development Permit PDP-170-0001 and revise Tentative Map TM0-000-0188 so as to separate the common lot encompassing Celsius I and Celsius II and provide for Celsius II as a separate legal lot with shared recreational facilities, common usable open space and facilities, loading and fire prevention services that currently exist at Celsius I; and

WHEREAS, Mitigated Negative Declaration of Environmental Impact ND17-03 was certified by the City Council on October 17, 2017 and determined that the project would have no significant effect on the environment as mitigated. The proposed modifications are found to substantially conform to previous environmental determinations made as a part of ND17-03; and

WHEREAS, a public hearing was duly noticed and held by the City Council on June 5, 2018; and

WHEREAS, the City Council has considered said Tentative Map and recommendations of the Planning, Building, Engineering, and Fire Departments with respect thereto and has determined that the conditions hereinafter enumerated are necessary to insure that the subdivision and the improvements thereof will conform to all ordinances, plans, rules, and improvement and design standards of the City of Lemon Grove; and

WHEREAS, the City Council has considered Planned Development Permit Modification PDP-170-01M1 including site, architectural, and landscape plans dated received May 16, 2018 associated with Tentative Map Revision TM0-000-0189; and

WHEREAS, the City Council has determined that the following deviations, waivers, or modifications to the following Tentative Map Design Standards in accordance with Chapter 16.12 of the Lemon Grove Municipal Code (LGMC) and the Development Standards of the DVSP TMU5 Zone as permitted by the Planned Development Permit regulations (Section 17.28.030(D)) are adequately offset by the provision for enhanced parking, recreational and connectivity elements as equivalent benefits.

1. A modification of the Minimum Lot Area of 15,000 sq. ft. to allow 18 condominium lots with areas ranging from 682 sq. ft. to 1,107 sq. ft. and one common lot with a net area of 13,083 sq. ft.;

Attachment B

2. A modification of the Minimum Lot Width and Depth of 80 feet wide by 140 feet deep to allow 18 condominium lots and one common lot with dimensions of 104.6 feet wide by 125.1 feet deep; and

NOW, THEREFORE, BE IT RESOLVED that the [City Council] of the City of Lemon Grove, California:

SECTION 1. Finds that the findings of fact, certifications, waivers and modifications and conditions of approval of City Council Resolution No. 2017-3542 for Tentative Map TM0-000-0188 and City Council Resolution No. 2017-3543 for Planned Development Permit PDP-170-0001 shall remain except as modified herein; and

SECTION 2. Finds and determines that the facts set forth in the recitals of this Resolution are declared to be true; and

SECTION 3. Waives or modifies the following Tentative Map Design Standards in accordance with Chapter 16.12 and the Development Standards of the DVSP TMU5 Zone:

3. A modification of the Minimum Lot Area of 15,000 sq. ft. to allow 18 condominium lots with areas ranging from 682 sq. ft. to 1,107 sq. ft. and one common lot with a net area of 13,083 sq. ft.;
4. A modification of the Minimum Lot Width and Depth of 80 feet wide by 140 feet deep to allow 18 condominium lots and one common lot with dimensions of 104.6 feet wide by 125.1 feet deep; and

SECTION 4. Conditionally approves Tentative Map Revision TM0-000-0189 in conjunction with Planned Development Permit Modification PDP-170-01M1 and the grading, site, landscape, and architectural plans dated received May 16, 2018 (incorporated herein by reference as Exhibit A), subject to all findings of fact, certifications, waivers and modifications and conditions of approval in City Council Resolution No. 2017-3542 and 2017-3543 except as amended herein. This approval authorizes the subdivision of a 0.34 gross acre parcel into 18 condominium lots and one common lot on a vacant site at 3485 Olive Street. Prior to the recordation of a final map, the subdivider shall comply with all applicable provisions of the Subdivision Map Act and the City of Lemon Grove Subdivision Ordinance except as amended herein, and the following conditions of approval; and

SECTION 5. Replaces references to “TM0-000-0188”, “PDP-170-0001”, and “plans dated received August 30, 2017” with “TM0-000-0189”, “PDP-170-01M1” and “plans dated received May 16, 2018” respectively in the conditions of approval of City Council Resolution No. 2017-3542 and 2017-3543.

SECTION 6. Amends the following conditions of approval in Resolution 2017-3542 Section 4 to read as follows:

1. (B.13.b.) The final map shall indicate that this project is a planned development for eighteen (18) condominium units.
2. (B.13.e.) The Final Map shall include all easements as shown on Tentative Subdivision Map TM0-000-0189 and easements required herein, including but not limited to a shared common usable open space, recreational facilities, loading and fire prevention service easement and private sewer, drainage, utility and open space, and public and emergency access easements.
3. (F.2.) Prior to occupancy, the developer shall pay a Fair Share Contribution to the City of Lemon Grove for the signalization and intersection improvements of Broadway and Olive Street, which is currently included in the Lemon Grove Realignment Project, and

Attachment B

the future pedestrian ramp improvements at the intersection of Lemon Avenue and Olive Street. The contribution shall be calculated as the percent of the projected ADT in accordance with the April 2002 (Not So) Brief Guide of Vehicular Traffic Generation Rates for the San Diego Region divided by projected Olive Street total traffic volume as determined by the difference of the buildout ADT minus the existing ADT calculated or estimated at the time the 2005 DVSP was adopted to the satisfaction of the City Engineer.

4. (G) The terms and conditions of the Tentative Subdivision Map shall be binding upon the permittee and all persons, firms, and corporations having an interest in the property subject to Planned Development Permit PDP-170-0001 and Planned Development Permit Modification PDP-170-01M1 and the heirs, executors, administrators, successors, and assigns of each of them, including municipal corporations, public agencies, and districts.
5. (H) A Final Map must be recorded within two (2) years (excluding extensions granted by State Law) from the date of this approval unless prior to that date, the Development Services Director, or on appeal, the City Council, has granted a one-year time extension for the filing of said Map. The Map expiration date is automatically extended for 60 days upon receipt of a time extension application regardless if the map is expired. The Planned Development Permit shall automatically extend with any extensions of the Tentative Map.

SECTION 7. Adds the following conditions to be completed prior to recordation of final map to Resolution 2017-3542 Section 4:

1. Record a lot tie agreement, easement, agreement or other similar instrument(s) ensuring Celsius II has service and infrastructure access to shared recreational facilities and common usable open space (Roof Terrace, Fitness Room, restroom adjacent to Fitness Room, and Lobby), loading and fire prevention services and infrastructure that currently exist at Celsius I to the satisfaction of the Development Services Director and Fire Marshal with infrastructure required to be maintained. Separate easements, agreements or other similar instruments may be required for each shared facility and shall not be terminated without the prior written consent of the City. Prior written consent from the City shall not be required if termination results because Celsius I and Celsius II have been merged into one parcel under common ownership, in compliance with the California Subdivision Map Act and applicable law. The lot tie agreement, easement, agreement or other similar instrument(s) shall run with Celsius I and Celsius II, and shall both benefit and bind the owners and each successive owner of Celsius I and Celsius II and shall be a priority position on title. Specifications of the agreement shall be incorporated into the Covenants, Conditions, and Restrictions. Celsius I shall be required to incorporate this instrument into its Covenants, Conditions, and Restrictions within 90 days of recordation.
2. Provide proof satisfactory to the Development Services Director that the separate lot tie agreement, easement, or similar instrument, securing perpetual Celsius II access to the Celsius I water service and fire sprinkler infrastructure is approved by Helix Water District and recorded.

SECTION 8. Adds the following conditions to be completed prior to building permit final to Resolution 2017-3542 Section 4:

Attachment B

1. Stripe Olive Street per the Olive Street Striping Plan as depicted in the Revised Tentative Map and Planned Development Permit Plan Package (Exhibit A) dated May 16, 2018 to the satisfaction of the City Engineer.

SECTION 9. Amends the following conditions of approval in Resolution 2017-3543 Section 3 to read as follows:

1. (C.1.) Comply with all of the conditions of Resolution 2017-3542 and Resolution 2017-3543 as amended by the requirements of Revised Tentative Map TM0-000-0189 and Planned Development Permit Modification PDP-180-01M1.
2. (D.) The approval of this Planned Development Permit will expire two years from the date of approval for this Planned Development Modification and Tentative Map revision or such longer period as may be extended in accordance with Section 17.28.020 of the Municipal and/or by State Law (the Planned Development Permit will be extended automatically with any extensions required of Tentative Map TM0-000-0189).
3. (E.) The terms and conditions of the Planned Development Permit and subsequent Planned Development Permit Modification shall be binding upon the permittee and all persons, firms, and corporations having an interest in the property subject to the Planned Development Permit and this Planned Development Permit Modification and the heirs, executors, administrators, successors, and assigns of each of them, including municipal corporations, public agencies, and districts.

SECTION 10. Adds the following conditions to Resolution 2017-3543 Section 3 upon establishment of use in reliance with tentative map:

1. The project shall be served by all appropriate public services and utilities (e.g., sewer, water, gas, and electricity) at all times. Any public or private improvements required to provide or restore service must provide the level of reliability/redundancy determined necessary by Heartland Fire & Rescue, the local Water Purveyor Engineer, and the City Engineer.

RESOLUTION NO. 2017- 3542

RESOLUTION OF THE LEMON GROVE CITY COUNCIL APPROVING TENTATIVE (CONDOMINIUM) MAP TM0-000-0188 AUTHORIZING THE SUBDIVISION OF TWO (2) PARCELS INTO ONE (1) LOT OF 102 CONDOMINIUM UNITS AT 100 CITRONICA LANE AND 3485 OLIVE STREET, LEMON GROVE, CALIFORNIA.

WHEREAS, CityMark Development, filed a complete application for a Planned Development Permit PDP17-0001 and a Tentative Map TM0188 on September 18, 2017 to authorize a subdivision of 2 parcels into one lot containing one hundred two (102) residential condominium units; and

WHEREAS, a Mitigated Negative Declaration (MND) of Environmental Impact (ND17-03) will be filed subsequent to its adoption and the approval of the proposed project. The Initial Environmental Study prepared for this project found that the project would have no significant effect on the environment because identified potentially significant impacts associated with Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Noise, and Mandatory Findings of Significance will be mitigated to below a level of significance. A notice of intent to adopt a mitigated negative declaration was filed with the County Clerk prior to the City Council public hearing; and

WHEREAS, a public hearing was duly noticed and held by the Lemon Grove City Council on October 17, 2017; and

WHEREAS, the City Council finds that the tentative map is consistent with the Lemon Grove General Plan because it proposes a total of 102 dwelling units on a single lot, at a density of 70.83 dwelling units per acre, on a 1.44 net acre parcel of land in the Transit Mixed Use 5 land use designation of the Downtown Village Specific Plan which requires a minimum of thirty-five dwelling units per net acre; and

WHEREAS, the City Council finds that the tentative map complies with the findings of fact required to approve this project pursuant to Municipal Code Section 16.16.400 because the project complies with the time limitations of the State Subdivision Map Act; the existing lots are legal lots; the proposed subdivision creates more than five lots; the proposed subdivision complies with the requirements of the Subdivision Ordinance; the map and design or improvements are consistent with applicable general and specific plans; the site is physically suitable for the type of development; and the site is physically suitable for the proposed density of development; and

WHEREAS, the City Council has considered said Tentative Map and recommendations of the Planning, Building, Engineering, and Fire Departments with respect thereto and has determined that the conditions hereinafter enumerated are necessary to insure that the subdivision and the improvements thereof will conform to all ordinances, plans, rules, and improvement and design standards of the City of Lemon Grove; and

WHEREAS, the City Council has considered Planned Development Permit PDP-170-001 including site, architectural, and landscape plans revised August 30, 2017 associated with Tentative Map TM0-000-0188; and

WHEREAS, the City Council hereby makes the following findings:

1. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife

Attachment C

or their habitat because the property has no environmentally protected resources as discussed in the Initial Study Environmental Assessment ND17-03; and

2. The proposed Tentative Subdivision Map (TM0-000-0188) is consistent with the Transit Mixed Use land use designation density (minimum thirty five (35) dwelling units per net acre) of the Downtown Village Specific Plan; and
3. The site is physically suitable for the proposed density of development because public utilities will be available to serve the proposed density; and
4. The design of the subdivision or the type of improvements will not cause serious public health problems because public services (e.g., sewer, water, gas, and electricity) will be provided to the subdivision; and
5. The design of the subdivision or type of improvements do not conflict with easements, acquired by the public at large, for access through, or use of property within the proposed subdivision as defined under Section 66474 of the Government Code, State of California; and
6. The City Council finds that it is impractical in this particular case for the subdivider to conform fully to the requirements of the Subdivision Ordinance and certain provisions therein shall be modified as deemed reasonably necessary in accordance with Section 16.12.280 of the Municipal Code and that the subdivision is consistent with the purpose and spirit of the Subdivision Map Act and Subdivision Ordinance; and
7. The design and improvements of the proposed subdivision map complies with the requirements of the State Subdivision Map Act and the Subdivision Ordinance except as specifically waived or modified for the requested deviations in accordance with Section 16.12.280 and pursuant to the Planned Development Permit process; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lemon Grove, California:

SECTION 1. Finds and determines that the facts set forth in the recitals of this Resolution are declared to be true; and

SECTION 2. Certifies the adequacy of the Negative Declaration of Environmental Impact ND17-03; and

SECTION 3. Waives or modifies the following Design Standards in accordance with Section 16.12.280:

1. Section 16.12.223(G) (Prohibition on through lots) to allow the property to front on two public streets.

SECTION 4. Conditionally approves Tentative Map TM0-000-0188 in association with Planned Development Permit PDP-170-0001 and the grading, site, landscape, and architectural plans revised plans August 30, 2017 (incorporated herein by reference as Exhibit A), except as noted herein and as noted in conditions of approval associated with PDP-170-0001. This tentative subdivision map is conditionally approved pursuant to the Subdivision Ordinance (Title 16 of the Municipal Code). Prior to the recordation of a final map, the subdivider shall comply with all applicable provisions of the Subdivision Map Act, the City of Lemon Grove Subdivision Ordinance except as amended herein, and the following conditions of approval (all conditions apply to the combined project, Celsius I and II, a total of 102 dwelling units):

NO PARCEL SHOWN ON THIS APPROVED TENTATIVE SUBDIVISION MAP SHALL BE LEASED, SOLD, CONVEYED, OR TRANSFERRED, UNLESS AND UNTIL A SUBDIVISION

MAP APPROVED BY THE CITY ENGINEER HAS BEEN FILED IN THE OFFICE OF THE COUNTY RECORDER.

- A. WITHIN FIVE DAYS OF APPROVAL, THE SUBDIVIDER/APPLICANT SHALL COMPLY WITH THE FOLLOWING:
1. Submit the appropriate payment for the CEQA filing fee (Department of Fish and Game Mitigated Negative Declaration fee) and County Clerk Processing Fee.
 2. Pay all outstanding fees for City permits related to this project.
- B. PRIOR TO RECORDATION OF A FINAL MAP, THE SUBDIVIDER/APPLICANT SHALL COMPLY WITH THE FOLLOWING:
1. Excepting improvements for buildings, all physical elements of the project, including public street improvements, shown on the approved landscape, grading, improvement and related plans shall have obtained final approval or appropriate securities and grading and improvement permits issued associated with such improvements shall be provided for in accordance with appropriate City Codes.
 2. Execute and record an agreement not to oppose a utility underground district.
 3. Execute and record an agreement not to oppose a street improvement and/or parks improvement district.
 4. Execute and record an agreement not to oppose a property based business improvement district.
 5. Each parcel shall be subject to inclusion into the Lemon Grove Roadway Lighting District which includes an annual assessment. A formal written request to add street lights to the Lemon Grove Lighting District shall be submitted to the City of Lemon Grove Lighting District prior to permanently energizing. If required, a deposit for the initial operation costs expended by the Lighting District for the subject property shall be submitted until the units are placed on the Tax Assessor's yearly statement.
 6. Pay \$85 for the preparation and recordation of each document as required for the subject permit.
 7. Submit a copy of the Preliminary Title Report, Subdivision Guarantee and Tax Clearance Certificate no more than 60 days in advance of the recordation of the Final Map to the City Engineer for review.
 8. The subdivider shall provide the City Engineer with one reproducible Mylar copy of the final map for recordation.
 9. Provide proof of the utility easement vacation.
 10. Backflow prevention devices for private building sewers shall be required pursuant to Section 710.0 of the CBC (2000 UPC).
 11. The subdivider shall comply with Section 66436 of the Government Code by furnishing to the City Engineer a certification from each public utility and each public entity owning easements within the proposed subdivision stating that: a) they have received from the developer a copy of the proposed final map; b) they object to/do not object to the filing of the map without their signature. In addition, the subdivider shall furnish proof to the satisfaction of the City Engineer that no new encumbrances have been created that would subordinate the City's interest over areas to be dedicated for public road purposes since submittal of the tentative map.

Attachment C

12. The protection of the public interest requires that the subdivider, contractors, builders, lot or parcel owners, and other persons, firms, and corporations concerned with the development of said subdivision conform to the following standards, and all permits required by the City of Lemon Grove will be issued pursuant to such standards:
 - a. All domestic water supplied for this subdivision shall come from Helix Water District.
 - b. All buildings constructed for this subdivision shall be connected to the public sewer system of the Lemon Grove Sanitation District. Appropriate sewer permits shall be obtained with payment of capacity and related fees.
 - c. Sewer and water lines shall not be laid in the same trench in any part of this subdivision.
 - d. The project shall comply with applicable provisions of Title 15 (Buildings and Construction).
 - e. Proper drainage shall be maintained throughout this subdivision as to prevent ponding and/or storage of surface water and shall be in compliance with the NPDES permit to the satisfaction of the Water Quality Coordinator and the City Engineer.
13. The final map shall show or provide for the following:
 - a. The design and area of all lots and the design of the final map shall be in substantial conformance to that shown on the approved tentative map to the satisfaction of the Development Services Director.
 - b. The final map shall indicate that this project is a planned development for one hundred two (102) condominium units.
 - c. The final map shall include the signature of the Development Services Director prior to recording and other items required in Title 16.
 - d. The final map shall identify any easements indicated within the Title Report, proposed on the approved Tentative Map, and as required by the Lemon Grove Fire Department or City Engineer.
 - e. The Final Map shall include all easements as shown on Tentative Subdivision Map TM0-000-0188, including but not limited to private sewer, drainage, utility and open space, and public access and emergency access easements.
 - f. A note shall be placed on the final map indicating that domestic water supplied for this project shall come from Helix Water District.
14. The Final Map shall conform to Section 16.12 of the Lemon Grove Municipal Code for a Major Subdivision.
15. Covenants, Conditions and Restrictions (CC&Rs) shall be submitted to the City for review and shall be written to the satisfaction of the Development Services Director and the City Engineer. The CC&Rs shall include the conditions herein to the satisfaction of the Fire Marshal, Water Quality Program Coordinator, City Engineer, and Development Services Director and shall be recorded prior to or concurrent with the final map and shall include but not be limited to the following:
 - a. The Developer, Current and Future Property Owners shall adhere to the CC&Rs approved for this project.

Attachment C

- b. The formation of a home owner's association or property owner's association (HOA or POA) with maintenance responsibilities is required.
- c. A Stormwater Facility and Best Management Practice maintenance agreement to the satisfaction of the City Engineer. The maintenance and the preservation of drainage and BMP facilities shall be included.
- d. The CC&Rs shall identify and implement the BMP's identified in the SWQMP prepared for this project and state that the Developer, Current and Future Property Owners shall comply with the recommendations of the SWQMP prepared for this project to the satisfaction of the Water Quality Program Coordinator and the City Engineer. Funding of the long term maintenance of all facilities required by the SWQMP shall be included in the annual HOA or POA budget.
- e. A long-term operation and maintenance program (OMP) will be a requirement and the responsibility of HOA or POA to maintain. Funding for the program is required to be accounted for in the annual budget of the HOA or POA.
- f. The CC&Rs shall include on-going maintenance of landscaping and irrigation (private and within public right-of-way) of slopes, parkways, common areas, open space and park areas as illustrated on approved landscape and irrigation plans (Exhibit A). This Exhibit A shall be included in the CC&Rs. All landscaping shall be well maintained in a healthy growing condition at all times in substantially the same condition as approved in accordance with the approved landscape and irrigation plans. Over-irrigation shall be prohibited.
- g. Immediate removal of graffiti and any other type of offensive debris is required.
- h. Maintain the drainage facilities and any access easements (where they occur) on the property.
- i. All light fixtures shall be designed, shielded and adjusted to reflect light downward, away from any road or street, and away from any adjoining premises.
- j. The property shall comply with all performance standards relating to the generation of noise, glare, dust, and odor.
- k. All trash and recycling receptacles are required to be within the individual residences or in designated storage areas of the proposed planned development at all times and must be covered and contained.
- l. Rooftop mechanical equipment, including but not limited to heating, air conditioning and ventilating equipment, shall be screened so that it may not be seen from the level of adjacent streets and sidewalks.
- m. The use of barbed wire or razor ribbon on any fences, gates, or walls is prohibited.
- n. The CC&Rs shall clearly establish the responsibilities of the individual home owners and the HOA or POA with regard to the continuing maintenance and preservation of the project.
- o. The CC&Rs shall give the City the right but not the duty to enter the premises to do maintenance and levy assessments if the home owners fail or refuse to maintain said facilities, and shall forbid amendments to the CC&Rs without express written consent of the City.

Attachment C

- p. Street trees along the roadway shall not obstruct the ability of fire apparatus access and fire department aerial operations. Tree height and type should be considered in the ultimate landscape design.
- q. The maintenance of: stormwater facilities, site landscaping, the street trees and landscaping in the public right-of-way along the Olive Street frontage.
- r. The assignment of tandem spaces to the two (2) bedroom units.
- s. Other items as determined by the Development Services Director and City Engineer.

C. PRIOR TO ISSUANCE OF A GRADING OR IMPROVEMENT PERMIT AND/OR DURING GRADING ACTIVITY, THE SUBDIVIDER/APPLICANT SHALL COMPLY WITH THE FOLLOWING:

1. All physical element of the proposed project shown on the approved plans dated August 30, 2017, except as noted herein, shall be located substantially where they are shown and shall be constructed in accordance with applicable Lemon Grove City Codes to the satisfaction of the Development Services Director and the City Engineer.
2. Obtain a grading permit from the City prior to any grading activities. The grading permit shall constitute an authorization to do only that work which is described on illustrated on the application for the permit, or in the plans and specification approved by the City Engineer.
3. The erosion control plan must comply with the city's Stormwater BMP manual prior to issuance of grading permit.
4. All grading permit fees and deposits shall be paid and all actions necessary preceding the issuance of the grading permit shall be completed.
5. Coordinate with Helix Water District for the installation of water facilities and/or for grading work in/or adjacent to the public right-of-way.
6. Building permits shall be submitted with the grading plans for the retaining and free standing walls where required, except as noted in this condition, building permits shall be termed Building Permits for Post-Grading Activities in the resolutions approving the project.
7. A minimum five foot separation shall be provided between buildings and building posts and proposed retaining walls, freestanding walls, and fences unless otherwise approved by the Development Services Director.
8. A private Storm Water Facilities and Best Management Practice Maintenance Agreement shall be recorded for the future repair, maintenance and rehabilitation of the proposed private drainage and storm water facilities. The City will provide a template for the agreement.
9. As part of the grading permit submittal, a private improvement, grading, and drainage plan shall be submitted showing all of the proposed and existing on-site improvements. The plan shall be prepared in accordance with the City's standard requirements by a Registered Civil Engineer. All necessary measures for prevention of storm water pollution and hazardous material run-off to the public storm drain system for the proposed development shall be implemented with all design of the grading and shall comply with the city's stormwater best Management Practices Manual.

Attachment C

10. A public improvement plan as part of an improvement plan check shall be submitted with applicable deposit showing all of the proposed and existing improvements within the public right-of-way. The plan shall be prepared in accordance with the City's standard requirements by a Registered Civil Engineer.
11. Submit the street improvement and grading plans to Helix Water District for review and signature.
12. All wet and dry utilities shall be shown on the grading plans and improvement plans.
13. Prior to issuance of a grading permit, a deposit shall be placed to cover the City's expenses, costs, and overhead for the field inspection, office engineering, and administration of the work performed, including landscape and irrigation work. The amount of the deposit shall be as determined by the City Engineer.
14. All existing survey monuments shall be shown on the grading plans.
15. Evidence indicating that arrangements have been made for the preservation and/or relocation of existing monuments shall be submitted to the City Engineer prior to the issuance of a grading permit.
16. Grading plans shall be prepared and submitted with the grading permit application in accordance with the city engineering standards, Lemon Grove Municipal Code 18.08, and the requirements of the City Engineer.
17. All grading plans shall be signed by a Registered Civil Engineer, the Soils Engineer, and the Engineering Geologist (if applicable).
18. The grading plans shall reference the approved final landscape plans.
19. Conditions imposed by the City shall be shown on the grading plans under the heading "General Notes".
20. The subdivider shall execute a Subdivision Improvement Agreement and a Subdivision Improvement Security in accordance with Section 16.12.200. Separate agreements and securities shall be provided for private and public improvements. An Engineer's Estimate for all of the proposed grading, drainage, street improvements, landscaping, and retaining and freestanding walls work proposed shall be submitted for the work proposed within the public right-of-way. Templates for these agreements are available from the City. The applicant shall pose a security with the City comprised of a cash deposit or a combination of cash deposit and corporate surety bond of a surety authorized to do business in the state. An instrument of credit or other security pledging the performance of the work may be submitted in lieu of the surety bond to insure installation of the required structures, drains, landscaping, irrigation, and other improvements shown on the grading plan. Such funds are trust funds for the purpose of satisfying the cost correcting any deficiency, hazard or injury created by the work or lack of maintenance thereof. An irrevocable standby letter of credit issued by a financial institution subject to the regulation by the state or federal government may be posted in lieu of surety bond, instrument of credit or other security. The estimated cost of the work shall be determined by the City Engineer after reviewing the Civil Engineer's Estimate. The total amount of the surety shall be equal to one hundred and fifty percent of the estimated cost of the grading and street improvement work authorized by the permit plus an additional sum equal to one hundred percent of the cost for the construction of drainage structures or facilities and landscape and irrigation, including standard terrace drains, slope planting, irrigation system, erosion control devices, retaining walls and similar facilities

Attachment C

authorized by the permit plus estimated costs including staff time and City Attorney fees for the City to acquire security funds in the event the security must be used by the City.

21. Three copies of a preliminary soils engineering report shall be submitted with the application of a grading permit. Each report shall be prepared by a soil engineer and contain all information applicable to the project in accordance with generally accepted geotechnical engineering practice. The preliminary soil engineering report shall include, but not be limited to, the requirements outlined within 18.08.120(A). All recommendations outlined in the soils report shall be imbedded into the grading plans. The grading plans shall include site monitoring and inspections to ensure recommendations of the Geotechnical Evaluation are adhered to. Properly designed site drainage is required to reduce erosion damage to the planned improvements. Typical erosion control measures will be required during site grading.
22. The developer shall submit a letter from the Geotechnical Engineer stating that the proposed pavement section is capable of fire engine loading of up to 75,000 lbs.
23. The Soils Engineer and Geologist shall refer to the geologic conditions element of the Lemon Grove General Plan in preparing the reports required in 18.08.120.
24. Recommendations contained within approved reports and technical analyses, including the drainage and biological resources reports and the storm water quality management plan shall be incorporated into the grading plan and specifications and shall become conditions of the grading permit.
25. Submit a truck hauling route with a diagram showing street to be traveled. This should include the source of borrow and/or disposal and any BMPs tied to the imported material.
26. Submit a Final Hydrology Report and Storm Water Quality Management Plan (SWQMP) to determine and analyze the increased volume of storm water run-off as a result of the proposed design. The SWQMP shall be completed and approved prior to the issuance of any other permits. Grading and site improvements shall be in accordance with the SWQMP for the proposed project. The SWQMP shall specify implementation of BMPs required in 8.48 and 18.08 of the Lemon Grove Municipal Code and the BMP Design Manual. Provide evidence the treatment Best Management Practices (BMPs) are adequately sized for the increase in impervious surfaces.
27. Plans for an erosion control system shall be prepared and submitted for the review and approval of the City Engineer and Storm Water Quality Coordinator as a part of any application for a construction permit. The erosion control system shall comply with the requirements of the latest state general construction storm water permit and any amendments thereto, the MS4 permit, and Municipal Code Chapter 8.48, and 18.08.170, and the Lemon Grove BMP Manual.
28. The developer shall submit erosion and sediment control plans with construction Best Management Practices (BMPs) and an irrigation plan for the review and approval by the Water Quality Coordinator, which will be required to be abided by during grading activities.
29. The application shall submit sewer lateral plans with the improvement plans. These sewer lateral plans shall be submitted to the satisfaction of the City Engineer.

Attachment C

30. The structural pavement section shall be based on the soils report prepared by a Geotechnical Engineer to the satisfaction to the City Engineer.
31. The subdivider shall provide proof that there exists an adequate potable water supply available to each lot or parcel, and that the subdivider install or agree to install water supply pipes of a minimum six inches in diameter, provided that the City Engineer may require such other diameter of water supply pipe as may be recommended by Helix Water District.
32. Sight distance requirements along Olive Street shall conform to the intersectional sight distance criteria as provide by the Caltrans Highway Design Manual.
33. The subdivider shall provide the City Engineer with letter from the serving utility companies stating that arrangements satisfactory to the utility have been made to serve the development.
34. The storm water facilities for this project shall be designated as private, not public.
35. Provide the City with a Final Hydrology Report indicating that the site design is in accordance with the report and the National Pollutant Discharge Elimination System (NPDES) permit. On-site drainage shall be in compliance with NPDES permit.
36. All plans and technical studies required to be submitted to the Engineering Department for review and approval shall be prepared by a California Registered Professional Engineer or applicable utility provider.
37. After grading permit issuance, but prior to any land development work involving, grading brushing or clearing, there shall be a pre-grading meeting. Representatives from the Campo Band of Mission Indians, Jamul Indian Village of California, and Viejas Band of Kumeyaay Indians, shall also be part of the meeting unless the meeting invitation is specifically denied by that representative. Prior to pouring curbs and gutters or placement of base materials, there shall be a pre-paving meeting held on the site. The permittee, or his/her agent, shall notify the City Engineer at least two working days prior to the meeting and shall be responsible for notifying all principals responsible for grading and paving related operations. The Stormwater Coordinator shall be part of the meeting. All land development work shall be performed by a contractor licensed by the State of California to perform the types of work required by the permit.
38. The property owner shall pay the City for all costs of placing, repairing, replacing or maintaining a City-owned facility within the public right-of-way when the City facility has been damaged or has failed as a result of the construction or existence of the owner's land development work during the progress of such work. The costs of placing, replacing or maintaining the City-owned facility shall include the cost of obtaining an alternate easement if necessary. The City may withhold certification of the completion of a building or other work where a notice has been issued.
39. The Storm Water Quality Management Plan must comply with the requirements of the City's BMP Design Manual. All comments presented in the August 22, 2017 DMAX Engineering, Inc. letter must be adequately addressed.
40. Record a maintenance agreement for the on-going maintenance of the private access improvements, parking and other proposed paved areas, fencing, private and public (street frontages) landscape and irrigation , drainage and water quality facilities required by the SWQMP, and recreational and other facilities as specified to be reviewed and approved by the City Engineer and Director of Development

Attachment C

Services. This maintenance agreement shall be adhered to by the HOA or POA and incorporated into the CC&Rs to the satisfaction of the Director of Development Services and the City Engineer.

41. In order to mitigate any impacts that grading may cause to paleontological, archaeological or tribal cultural resources the following conditions shall be complied with:

- a. The subdivider/applicant shall conduct a cultural resources records search through the California Historical Resources Information System (CHRIS) for the area of project effect to determine if there is likelihood for on-site Native American cultural resources. A copy of a letter regarding the records search shall be provided to the Development Services Department prior to issuance of grading or improvement permits. The report shall provide recommendations for further analysis and those recommendations shall be implemented as a part of the mitigation measures.
- b. Representatives from the Campo Band of Mission Indians, Jamul Indian Village of California, and Viejas Band of Kumeyaay Indians, shall be present at the pre-grading meeting to consult with the grading and excavation contractors.
- c. A Kumeyaay cultural monitor shall be present during all grading activities.
- d. The Kumeyaay cultural monitor shall be allowed to temporarily direct, divert or halt grading to allow recovery of fossil and artifact remains. If cultural resources are discovered during site preparation and/or grading, then any further work shall cease and programs and procedures shall be initiated as outlined in CEQA guidelines 15064.5.
- e. Prior to final inspection, a report summarizing the results of the mitigation program and the coordination efforts with the representatives of the tribal governments shall be prepared and submitted to the Development Services Director. This report will include a discussion of methods employed, fossils and artifacts recovered, geologic context of fossil and artifact remains and the significance of the mitigation program.

42. A lighting plan with adequate detail to determine compliance with Downtown Village Specific Plan and Lemon Grove Municipal Code lighting requirements must be submitted and approved prior to the issuance of Grading and Improvement Plans.

43. Incorporate all applicable recommendations of the Limited Phase II Environmental Investigation prepared by SCS Engineers dated March 28, 2017 into the grading permit and approved plans including, but not limited to: sampling to determine if constituents of concern in soil would exceed either risk-based screening criteria and/or waste criteria; remediation for soils that exceed risk-based screening criteria; disposal of export as a regulated waste; limiting worker exposure via dust suppression and control measures; and education of construction and grading contractors.

D. PRIOR TO ISSUANCE OF A BUILDING PERMIT, THE SUBDIVIDER/APPLICANT SHALL COMPLY WITH THE FOLLOWING:

1. All physical elements of the proposed project shown on the approved plans dated August 30, 2017 except as noted herein, shall be located substantially where they

Attachment C

are shown and shall be constructed in accordance with applicable City Codes to the satisfaction of the Development Services Director.

2. Pay all outstanding fees prior to issuance of a building permit(s) for new dwelling units authorized by this tentative map.
3. Per Ordinance 372 a Uniform Transportation Mitigation Fee for each unit must be paid at the time of building permit issuance. The fee is subject to annual increases and the actual fee will be calculated at the time of payment.
4. Submit a written statement signed by the Civil Engineer reporting that the site is rough graded in conformance with the approved grading plan, as modified or amended by any construction changes approved by the City Engineer, and which specifically states the items which were performed under his/her supervision, and are shown correctly on the as-graded drawings.
5. Prior to issuance of building permits, incorporate best management practices including site design/Low Impact Development, source control and treatment control, construction and on-going maintenance identified in the SWQMP and Drainage Report into the building plans.
6. Submit for Development Services Director approval, a detailed landscape and irrigation plan for the parcel to be developed. Provide reference sheets for the grading and landscape erosion control plans. The plan shall indicate all surface improvements including, but not limited to, the design and locations of all walls, fences, driveways, walkways, botanical and common names of all plant materials, number, size and location of all plantings; all irrigation lines including valves and back-flow devices; and soil amendments. Said landscape plan shall fully comply with the requirements of Section 17.24.050(B) and Chapter 18.44 of the Municipal Code. The landscape plan shall be in substantial conformance to the approved landscape concept plan. Tree installations shall be a minimum of 2 inch calipers, 15 gallons, and 8 feet in height. Show the location, height, and materials of all fencing. The landscape permit shall be referenced on the approved grading plans.
7. A soils management that analyzes the soil and makes recommendations for the long term maintenance of the landscaping on site must be submitted as part of the landscape plan.
8. Street trees on Olive Street shall be a minimum of 24-inch box, 2 inch caliper and 10 feet in height and shall be installed as provided in the approved landscape concept plan and appropriate landscaping shall be installed within the public and private parkways. Maintenance of the street trees and parkway landscape shall be the responsibility of the HOA or POA. Over-irrigation is prohibited.
9. All construction shall comply with Title 24 requirements which include the California Building Code, California Residential Code and the California Fire Code.
10. Heartland Fire & Rescue at time of plan or permit submission will charge certain fees for plan review and inspections. Fees will be determined at time of plan review and/or inspections.
11. Heartland Fire & Rescue at time of operational permit will charge certain fees for permit issuance which will have, at a minimum, annual fees charged. Failure to pay required annual fees will be cause to issue a "Cease and Desist" order.
12. Gates serving multi-family, assembly, educational, hazardous, institutional, or storage structures must be automatic and meet UL 325 and ASTM F 2200

Attachment C

standards. Knox brand key-operated electric key switch keyed to Heartland Fire & rescue specification are required. The Knox switch shall override all gate functions and open the gate. Other access control systems such as Opticom, siren, etc. shall be permitted with the approval of Heartland Fire & Rescue.

13. The required fire flow shall be 2250 GPM for a 2- hour duration at 20 PSI residual operating pressure. Documentation is required from the Water Purveyor verifying that the system is capable of meeting the required fire flow prior to building permit issuance. If the system is not capable of meeting the required fire flow documentation shall be provided showing financial arrangements have been made and water system improvement plans have been submitted and approved by Heartland Fire & Rescue and the water purveyor to upgrade the existing system prior to release of building permits.
14. Water improvement plans shall be approved by Heartland Fire & Rescue prior to recordation. The Developer shall furnish Heartland Fire & Rescue with three (3) copies of the water improvement plans designed by a Registered Engineer and/or Licensed Contractor. On-site private fire service mains shall have a minimum of eight (8) inch water mains with six (6) inch laterals and risers. Larger pipes maybe required to meet required fire flow requirements. Fire hydrants shall provide one 4" port and 2- 2 1/2 ports and must be an approved fire hydrant type.
15. Fire hydrant water mains that supply two (2) or more fire hydrants shall be looped to provide adequate supply.
16. The existing fire hydrant system is insufficient to provide the required fire flow. This system is required to be upgraded to meet the required fire flow as identified above.
17. Prior to combustibles being brought to the site, the developer shall provide written certification from the Water purveyor, dated within the last thirty days, that:
 - a. All public fire hydrants required of the project have been installed, tested, and approved by the water Purveyor, and
 - b. Are permanently connected to the public water main system, and
 - c. Are capable of supplying the required fire flow as required by Heartland Fire & Rescue.
18. Fire hydrants shall be painted per Heartland Fire & Rescue and the local water purveyor standards and be maintained free of obstructions. Blue reflective raised pavement markers shall be installed on the pavement at approved locations marking each fire hydrant.
19. Public and private water utility mains must provide the level of reliability/redundancy determined necessary by Heartland Fire & Rescue and the local Water Purveyor Engineer.
20. The project shall comply with the most recent adopted Title 15 Municipal Code Standards.
21. The design of all structures shall be in substantial conformance with the approved architectural plans dated March 14, 2017 (incorporated herein by reference as Exhibit A) to the satisfaction of the Development Services Director.
22. All pedestrian paths must fully comply with all applicable Title 24 disabled access requirements, including those for slopes, surfacing and widths.

E. DURING GRADING ACTIVITY AND PRIOR TO GRADING PERMIT FINAL APPROVAL, THE SUBDIVIDER/APPLICANT SHALL COMPLY WITH THE FOLLOWING:

1. All physical element of the project shown on the approved grading, improvement and related plans shall be located substantially where they are shown and shall be constructed in accordance with appropriate Lemon Grove City Codes.
2. All trash, debris, and waste materials shall be disposed of off-site in accordance with current local, state, and federal disposal regulations. Any materials containing petroleum residues encountered during property improvements should be evaluated prior to removal and disposal, following proper procedures. Any buried trash/debris encountered should be evaluated by an experienced environmental consultant prior to removal.
3. For any work within the public right-of-way, the subdivider shall secure an Encroachment Permit to work within the City right-of-way and place a special deposit with the City to ensure that any damage to the existing roadway or other public improvements is repaired in a timely manner. The Subdivider shall be responsible for all unforeseen costs related to work performed in the right-of-way.
4. The development and preparation of the site shall conform to all recommendations of the approved geotechnical reports submitted to the City.
5. The drainage structures, bioretention areas, underground storage pipes, and outlet structures identified in the Storm Water Quality Management Plan (SWQMP) shall be installed. Any modifications to the bioretention areas shall require modification to the SWQMP and review and approval by the City Engineer and Storm Water Quality Coordinator.
6. The installation of gas, electric, sewer, and water lines and any other below surface utilities is required to take place before the installation of any concrete curbs, gutters, sidewalks, and surfacing of the streets (including repair or replacement). Sewer and water lines shall not be laid in the same trench in any part of this project.
7. Any new utilities required to serve the project shall be placed underground.
8. Provide the City with a final drainage/hydrology report/letter indicating that the site design is in accordance with the report and the National Pollutant Discharge Elimination System (NPDES) permit.
9. Metallic identification tape shall be placed between the bottom layer of the finished surface and the top or all irrigation lines in the public right-of-way.
10. The contractor/permittee conducting any earth moving operations shall be responsible for controlling dust created by its grading operation or activities at all times.
11. Reporting for earthwork, asphalt, and concrete testing shall be required and prepared in accordance with the latest version of the "Greenback" Standard Specification for Public Works Construction. Reports shall be submitted to the City for review and approval prior to the applicant's request for final inspection on the grading and/or improvement permits. The reports shall be signed and stamped by a California Registered Civil Engineer.
12. Submit a certification letter stating that the grading was done per the approved plan or an as-graded version of the grading plan (as-graded drawings) prepared, signed and dated by the responsible Civil Engineer which shall include original and "as-graded" ground surface elevations, pad elevations, slope ratios, and elevations and sections of all buttress/stabilization and fills, subdrains and general location and depth of all areas or removal of unusable soil.
13. Submit a final soils engineering report prepared by a soils engineer, including type of field testing performed, compaction reports, final pad elevations and certifications,

Attachment C

suitability or utility trench and retaining wall backfill, the maximum allowable soil bearing pressure and the required pavement structural sections, summaries of the field laboratory tests and other substantiating data, and comments on any changes made during grading and their effect on the recommendations made in the preliminary soils engineering report. Each field density test shall be identified, located on a plan or map, the elevation of the test, and the test method of obtaining the in-place density described.

14. Final approval shall not be given until all work, including installation of all drainage facilities and their protective devices, required irrigation system installed proactive devices, required planting, and all erosion control measures have been completed in accordance with the final approved grading plan and the as-graded drawing, required reports and statements of compliance consistent with section 18.08.030 and Chapter 18.44 of the Lemon Grove Municipal Code have been submitted.
 15. The developer and current and future property owners shall adhere to the recommendation of the requirements of the Storm Water Quality Management Plan (SWQMP) prepared for this project and the recorded Stormwater Facility and BMP Maintenance Agreement to the satisfaction of the Water Quality Coordinator.
 16. The exterior boundary of the subdivision and all lot corner shall be monumented with permanent monuments in accordance with Section 16.12.250 to the satisfaction of the City Engineer.
 17. The permittee shall be responsible to maintain in an obvious and accessible location on the site, a copy of the grading and improvement permit and grading plans bearing the approval of the City Engineer.
 18. The subdivider shall submit record drawings (as-builts) and engineering documentation with applicable fees for all public improvements to the City to the satisfaction of the City Engineer.
- F. PRIOR TO BUILDING FINAL, THE SUBDIVIDER/APPLICANT SHALL COMPLY WITH THE FOLLOWING:
1. All physical elements of the project, including public improvements, survey monumentation, and landscaping, shown on the approved building, landscape, grading, improvement, and related plans shall be located substantially where they are shown and shall be constructed in accordance with appropriate City Codes.
 2. Prior to occupancy, the developer shall pay a Fair Share Contribution to the City of Lemon Grove for the signalization and intersection improvements of Broadway and Olive Street, which is currently included in the Lemon Grove Realignment Project, and the future pedestrian ramp improvements at the intersection of Lemon Avenue and Olive Street. The contribution will be calculated as the percent of the project ADT from the Celsius II Project divided by Olive Street total traffic volume as determined by the difference of the buildout ADT minus the existing ADT from the updated Downtown Village Specific Plan (DVSP) traffic study which will be adopted by City Council in the near future.
 3. A report detailing the results of the risk-based screening and verifying the implementation of the Limited Phase II Environmental Assessment recommended measures shall be submitted to the Development Services Department by SCS Engineers.
- G. The terms and conditions of the Tentative Subdivision Map shall be binding upon the permittee and all persons, firms, and corporations having an interest in the property subject to Planned Development Permit PDP-170-0001 and the heirs, executors, administrators,

Attachment C

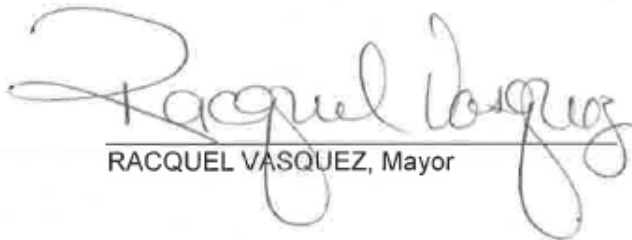
successors, and assigns of each of them, including municipal corporations, public agencies, and districts.

- H. A Final Map must be recorded within **two (2) years** (excluding extensions granted by State Law) from the date of approval unless prior to that date, the Development Services Director, or on appeal, the City Council, has granted a one-year time extension for the filing of said Map. The Map expiration date is automatically extended for 60 days upon receipt of a time extension application regardless if the map is expired.
- I. The subdivider shall indemnify, protect, defend, and hold harmless, the City and any agency thereof, and/or any of its officers, employees, and agents from any and all claims, actions, or proceedings against the City, or any agency or instrumentality thereof, or any of its officers, employees, or agents to attack, set aside, void, or annul, an approval of the City, or any agency or instrumentality thereof, advisory agency, appeal board, or legislative body, including actions approved by the voters of the City, concerning the project. City shall promptly notify the applicant/subdivider of any claim, action, or proceeding brought within this time period, and City shall further cooperate fully.

Attachment C


PASSED AND ADOPTED: On October 17, 2017, the City Council of the City of Lemon Grove, California adopted resolution No. 2017-3542 passed, by the following vote:

MAYOR	AYES	NOES	ABSTAIN	ABSENT
Racquel Vasquez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
COUNCIL MEMBERS				
David Arambula	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jerry Jones	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Mendoza	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Matt Mendoza	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



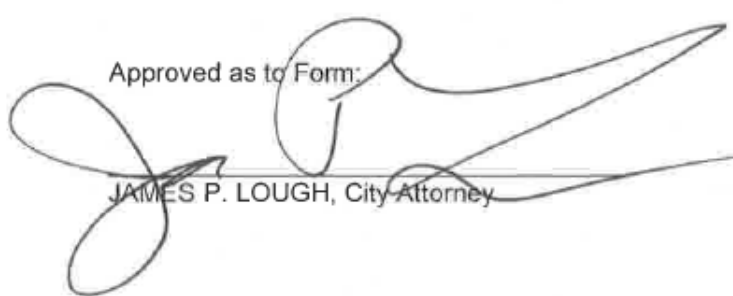
RACQUEL VASQUEZ, Mayor

Attest:



SUSAN GARCIA, City Clerk

Approved as to Form:



JAMES P. LOUGH, City Attorney

RESOLUTION NO. 2017-3543

RESOLUTION OF THE LEMON GROVE CITY COUNCIL APPROVING PLANNED DEVELOPMENT PERMIT PDP-170-0001 AUTHORIZING THE DEVELOPMENT OF AN EIGHTEEN UNIT MULTI-FAMILY CONDOMINIUM RESIDENTIAL AT 3485 OLIVE STREET, LEMON GROVE, CALIFORNIA.

WHEREAS, the applicant, CityMark Development, filed a complete application for Planned Development Permit PDP17-0001 on September 18, 2017 to authorize the development of eighteen (18) multi-family condominium units in association with a subdivision combining one vacant lot with an adjacent lot with an existing 84 unit condominium building at 3485 Olive Street (TM0-000-0188); and

WHEREAS, a Mitigated Negative Declaration (MND) of Environmental Impact (ND17-03) will be filed subsequent to its adoption and the approval of the proposed project. The Initial Environmental Study prepared for this project found that the project would have no significant effect on the environment because identified potentially significant impacts associated with Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Noise, and Mandatory Findings of Significance will be mitigated to below a level of significance. A notice of intent to adopt a mitigated negative declaration was filed with the County Clerk prior to the City Council public hearing; and

WHEREAS, a public hearing was duly noticed and held by the Lemon Grove City Council on October 17, 2017; and

WHEREAS, the City Council has determined that the following Planned Development Permit findings of fact, as required by Section 17.28.030(C), can be made as follows:

1. That the development is not detrimental to the public interest, health, safety, or general welfare.
 - a. The City Council finds that the design of the proposed project complies, or will be made to comply with all of the applicable requirements of the City Zoning Ordinance and Downtown Village Specific Plan relating to public safety and no such detriment should occur.
2. That the development complies with applicable provision of the Zoning Ordinance (Title 17) and/or deviations that comply with applicable provisions in subsection D of the Planned Development Permit regulations (Section 17.28.030).
 - a. The City Council finds that the proposed project complies with, or conditions have been included for this project to require it comply with the Zoning Ordinance and Downtown Village Specific Plan requirements relating to off-street parking, screening, and landscaping and waivers or modifications to the maximum front yard setback, parking space standards, and off-street loading requirements are offset by the provision of enhanced parking and recreational amenities and connectivity elements for residents of the subdivision.
3. That the development is consistent with general plan policies and standards and other applicable plans or policies adopted by the City Council.
 - a. The City Council finds that the planned development is consistent with the Lemon Grove General Plan and Downtown Village Specific Plan policies and standards

Attachment D

because the Specific Plan allows condominium development at the form and scale proposed; and

4. That the development density or intensity does not exceed general plan limitations.
 - a. The City Council finds that the planned development of 18 multi-family condominium dwelling units at a density of 60.0 dwelling units per acre, is consistent with the Lemon Grove General Plan and Downtown Village Specific Plan which requires development with a minimum of 35 dwelling units per acre; and
5. That the existing infrastructure such as utilities, transportation systems, and communications networks adequately serve the development or will be upgraded to efficiently accommodate the additional burdens imposed.
 - a. The City Council finds that appropriate public services (e.g., sewer, water, gas, and electricity) exist to the subject property and that improvements proposed for the project allow for safe circulation of pedestrian, bicyclists, and motor vehicles and improve the general welfare of the community; and

WHEREAS, the City Council has determined that the following deviations, waivers, or modifications as permitted by the Planned Development Permit regulations (Section 17.28.030(D)) are adequately offset by the provision enhanced parking, recreational and connectivity elements as equivalent benefits:

1. A modification of Downtown Village Specific Plan Chapter III c. Zones, Uses & Development Standards to allow buildings to be located further than five (5) feet from the ultimate right-of-way; and
2. A waiver of Downtown Village Specific Plan Chapter III c. Zones, Uses & Development Standards to forgo the requirement that residential developments with more than 12 units provide a designated loading area; and
3. A modification of Downtown Village Specific Plan Chapter IV D.2 Proposed Parking Standards to allow tandem spaces to count towards the parking requirement; and
4. A waiver of Section 17.24.010(D)(2) (Parking Standards) that requires one parking space per dwelling unit to be within a garage, carport or other covered structure; and

WHEREAS, the City Council has considered Tentative Map TM0-000-0188 revised August 30, 2017 associated with Planned Development Permit PDP-170-0001; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lemon Grove, California hereby:

SECTION 1. Finds and determines that the facts set forth in the recitals of this Resolution are declared to be true; and

SECTION 2. Waives or modifies the following Development Standards in accordance with Section 17.28.030(D) (Deviations):

1. A modification of Downtown Village Specific Plan Chapter III c. Zones, Uses & Development Standards to allow buildings to be located further than five (5) feet from the ultimate right-of-way; and
2. A waiver of Downtown Village Specific Plan Chapter III c. Zones, Uses & Development Standards to forgo the requirement that residential developments with more than 12 units provide a designated loading area; and
3. A modification of Downtown Village Specific Plan Chapter IV D.2 Proposed Parking

Standards to allow tandem spaces to count towards the parking requirement; and

4. A waiver of Section 17.24.010(D)(2) (Parking Standards) that requires one parking space per dwelling unit to be within a garage, carport or other covered structure; and

SECTION 3. Conditionally approves Planned Development Permit PDP-170-0001 in conjunction with Tentative Map TM0-000-0188 and the grading, site, landscape, and architectural plans revised August 30, 2017 (incorporated herein by reference as Exhibit A), except as noted herein. This approval authorizes the development of a .34 acre parcel into 18 multi-family condominium residential units with associated common areas and improvements on a vacant site at 3485 Olive Street, Lemon Grove, California. Except as amended, the approval of this project shall be subject to the following conditions:

A. PRIOR TO ISSUANCE OF A BUILDING PERMIT FOR THE CONSTRUCTION AUTHORIZED BY PLANNED DEVELOPMENT PERMIT PDP-017-0001:

1. All physical elements of the proposed project shown on the approved plans dated August 30, 2017 except as noted herein, shall be located substantially where they are shown and shall be constructed in accordance with applicable Lemon Grove City Codes. The Development Services Director has the authority to allow modifications to the approved plans when the modifications are found to be in substantial conformance (minor deviations in colors, roof and siding material acceptable) and in compliance with the Municipal Code and General Plan.
2. Pay school fees, Helix Water District Capacity fees, Regional Transportation Congestion Improvement Program (RTCIP) fees, sewer connection fees, Park Lands Dedication fees and other applicable development fees.
3. Record the Final Map for TM0-000-0188 unless otherwise determined by the Development Services Director.
4. All proposed color and materials shall substantially conform to the approved Celsius I color and materials board submitted with building permit B15-0173 as revised January 19, 2017.
5. All dwelling units shall comply with the interior noise level requirements of California Code Title 24. All proposed door, window and wall assemblies shall comply with the recommendations of the Addendum to the Acoustical Analysis prepared by EILAR Associates, Inc. dated June 13, 2017. Before permit issuance, a verification letter shall be provided by the acoustical consultant confirming that the assemblies proposed in the construction documents comply with recommendations of the Addendum to the Acoustical Analysis.
6. All light fixtures shall be designed, shielded and adjusted to reflect light downward, away from any road or street, and away from any adjoining premises.
7. Vehicular sight distance of all driveway entrances shall be to the satisfaction of the City Engineer.
8. Install only high efficiency appliances, use only high-efficiency watering technologies, and landscape using low-water-use plants as follows:
 - a. Install the following indoor fixtures:
 - i. High-efficiency toilets (1.28 gallons or less per flush);
 - ii. High-efficiency dishwashers (Energy Star, WaterSense or equivalent);
 - iii. High-efficiency clothes washers (3.7 water factor or lower); and

Attachment D

- iv. Low-flow shower heads (2.0 gallons per minute or less).
 - b. Install dedicated meters for common area outdoor water use. Enroll all new irrigation meters (except those at single-family residences) in the Helix Water Budget Program and provide documentation of irrigated landscape area at the time of meter purchase.
 - c. Install automatic irrigation controllers with a rain sensor that utilize either evapotranspiration (weather-based) or soil moisture data and install high-efficiency, matched-precipitation rate sprinkler nozzles at all residential landscapes and common areas. Irrigation runoff is prohibited and must be prohibited.
 - 9. The project shall comply with all applicable provisions of the California Fire Code, California Residential Code and the California Building Code.
 - 10. The applicant shall submit a Notification of Proposed Construction or Alteration to the Federal Aviation Authority (FAA) in accordance with Title 14 Part 77 of the Code of Federal Regulations. The FAA determination shall be submitted to the Development Services Department prior to building issuance. If the project is determined to be a hazard, project review by the Airport Land Use Commission is required.
 - 11. All utility boxes visible from Olive Street shall be painted in an artistic manner. A mockup of the art to be installed on the utility boxes along the Olive Street frontage shall be approved to the satisfaction of the Development Services Director prior to work conducted.
- B. PRIOR TO FINAL APPROVAL OF A BUILDING PERMIT FOR THE CONSTRUCTION AUTHORIZED BY PLANNED DEVELOPMENT PERMIT PDP-170-0001:
- 1. All physical elements of the proposed project shown on the approved plans dated August 30, 2017 except as noted herein, shall be located substantially where they are shown and shall be constructed in accordance with applicable Lemon Grove City Codes.
 - 2. All rooftop mechanical elements shall be screened.
 - 3. The color palette and materials shall match Celsius Phase I to the satisfaction of the Development Services Director.
 - 4. Enroll Celsius Phase II in the San Diego County Sheriff's Crime Free Multi Housing Program.
 - 5. Submit a height certification from a Registered Civil Engineer, Structural Engineer, or Licensed Land Surveyor affirming that the height of the constructed building from finished grade to structure peak conforms to the elevations on the approved plans.
 - 6. Art shall be incorporated onto the utility boxes along the Olive Street frontage.
 - 7. Prior to Fire Department clearance for occupancy, and automatic fire sprinkler system shall be installed. The system shall comply with NFPA #13-R Standard for Automatic Fire Sprinkler Systems-Multi-Family Dwellings. Three sets of plans, hydraulic calculations, and material specification's sheets for all equipment used in the system shall be submitted by a State of California Licensed C-16 Contractor for review, approval, and permits issued prior to commencing work. A class One Standpipe system is required.
 - 8. Prior to final inspection or occupancy, hand portable fire extinguishers are required to be installed as directed by Heartland Fire & Rescue Fire Prevention staff. The size, location, and markings shall be illustrated on the floor plan of the construction documents. Prior to

Attachment D

installation the client is directed to request a fire inspection to confirm the locations of the fire extinguishers due to field changes with business systems that could conflict with the construction documents.

9. Permanent commercial/industrial three-dimensional street numbers, minimum 12 inches in height with a ½ inch stroke, shall be provided on the address side of the building at the highest point and furthest projection of the structure. The address shall be visible from the street and shall not be obstructed in any manner.
 10. Address numbers and suite numbers are required to be installed or painted on the rear of access doors to multiple suite facilities. Numbers or letters shall be a minimum of four (4) inches in height and placed on a contrasting background.
 11. A lighted directory (site map) meeting Heartland Fire & Rescue specifications is required at each entrance to the complex as directed by Heartland Fire & rescue. A site plan with all building locations identified by a number or letter, space numbers, fire protection equipment, etc. and shall be reviewed and approved by Heartland Fire & Rescue prior to installation.
 12. Knox emergency access key box is required at each building, with specific mounting locations approved by Heartland Fire & Rescue. Recessed mount key boxes are required. Premise keys for all buildings and areas shall be marked and placed in the box prior to final inspection to ensure emergency access. The building owner/occupants shall provide replacement keys whenever locks are changed.
 13. Provide plans on AutoCAD (any release) for pre-fire planning use by fire department. Information shall include locations of all exits, stairwells and roof access. Also, gas, electrical, water, fire sprinkler and standpipe valves and shutoffs, and elevator and electrical equipment rooms, fire alarm panels, remote annunciators and RTU/HVAC detectors.
 14. Parking structure gates shall have "Click-to-Enter" and shall be submitted to the Fire Department for review and approval prior to installation.
 15. The project shall comply with the emergency responder radio requirements in the California Fire Code. Plans and specifications shall be submitted to the Fire Department for review and approval prior to installation.
- C. UPON ESTABLISHMENT OF USE IN RELIANCE WITH TENTATIVE MAP:
1. Comply with all of the Conditions of this resolution and the requirements of TM0-000-0188, as applicable.
 2. All physical elements of the project shown on the approved grading, improvement, building, landscape, SWQMP, and related plans shall be maintained and located substantially where they are in accordance with appropriate City Codes.
 3. The City approved CC&Rs shall be abided by at all times.
 4. All landscaping shall be well maintained and adequately watered at all times. The landscaping located on the subject property and within the public right-of-way shall be maintained in a healthy and growing condition at all times. All on-site & off-site landscaped areas shall be planted and irrigated by a permanent irrigation system. Over-irrigation and irrigation runoff is prohibited.
 5. All maintenance presented in the Stormwater Facility and BMP maintenance agreement and SWQMP must be implemented.

Attachment D

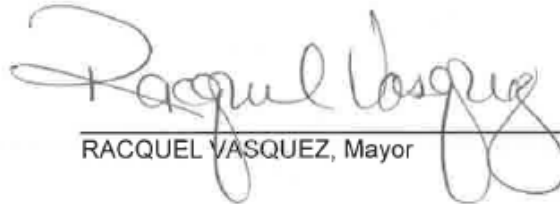
6. The proposed facility shall fully comply with the requirements of the California Fire Code to the satisfaction of the Fire Chief.
 7. All fences, screening and walls on the subject property shall be maintained in good condition at all times.
 8. All light fixtures shall be designed, shielded and adjusted to reflect light downward, away from any road or street, and away from any adjoining premises.
 9. All graffiti shall be removed or painted over with a paint that closely matches the color of the exterior of the building within 48 hours of the discovery of the graffiti.
 10. Provide water-use efficiency data upon request to the Helix Water District for six years following installation/development.
 11. If any fire hydrant is taken "OUT OF SERVICE" – Heartland Fire & Rescue shall be notified immediately and the hydrant marked, bagged, or otherwise identified as OUT OF SERVICE as directed by the Fire Marshal.
 12. Any deviations proposed from the approved plans relating to the construction of facilities and maintenance of improvements shall substantially conform to the approved plans dated August 30, 2017 to the satisfaction of the Development Services Director.
 13. The consolidated project is included within Community Facilities District (CFD) No. 2013-01. The properties will be designated as Developed Residential Property upon final occupancy in accordance with the provisions of the CFD.
- D. This approval of this Planned Development Permit will expire two years from the date of approval or such longer period as may be extended in accordance with Section 17.28.020 of the Municipal and/or by State Law (the Planned Development Permit will be extended automatically with any extensions required of Tentative Map TM0-000-0188).
- E. The terms and conditions of the Planned Development Permit shall be binding upon the permittee and all persons, firms, and corporations having an interest in the property subject to this Planned Development Permit and the heirs, executors, administrators, successors, and assigns of each of them, including municipal corporations, public agencies, and districts.

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Attachment D

PASSED AND ADOPTED: On October 17, 2017, the City Council of the City of Lemon Grove, California adopted resolution No. 2017-3543 passed, by the following vote:

MAYOR	AYES	NOES	ABSTAIN	ABSENT
Racquel Vasquez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
COUNCIL MEMBERS				
David Arambula	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jerry Jones	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Mendoza	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Matt Mendoza	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



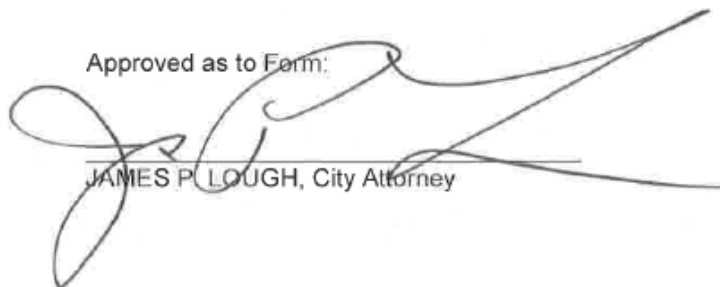
RACQUEL VASQUEZ, Mayor

Attest:



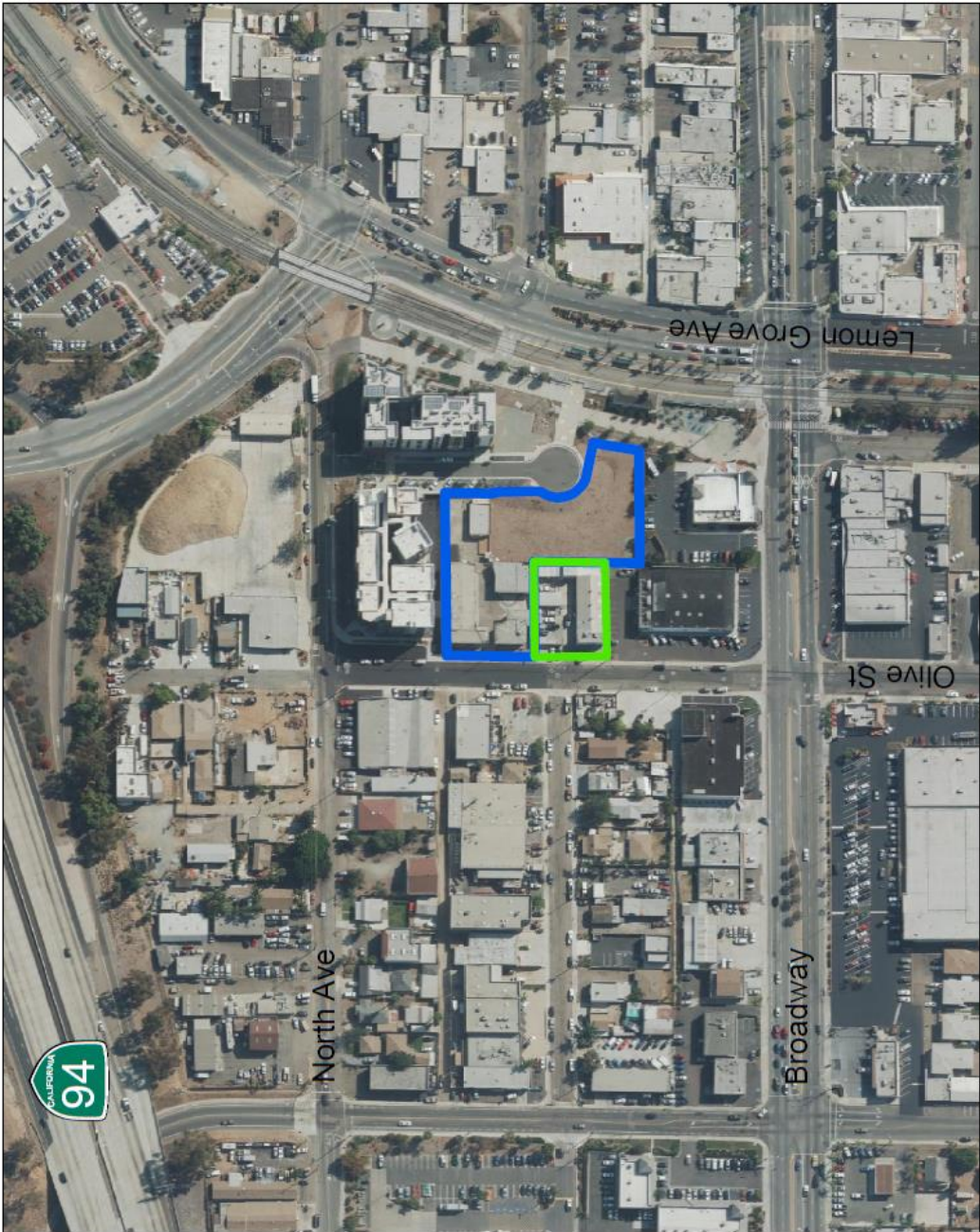
SUSAN GARCIA, City Clerk

Approved as to Form:



JAMES P. LOUGH, City Attorney

Celsius Phase II



Attachment F

EXHIBIT A – PROJECT PLANS

Not Attached

Enclosed in City Council packet or available at City Hall for [Review]